



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, MAY 12, 2011**

Invocation: Rev. Edward Garcia, Emmanuel United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, May 12, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:08 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special called meetings of March 29, 2011, April 26 and 27, 2011 and regular meeting of April 28, 2011.
The minutes from the Austin City Council special called meetings of March 29, April 26 and 27, 2011 and regular meeting of April 28, 2011 were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Approve a resolution repealing and replacing Resolution #20050929-056 that ensures the Austin Water Utility's water leak related adjustment policy and administrative adjustment policy supports Water Conservation initiatives. Recommended by the Water and Wastewater Commission.
Resolution No. 20110512-003 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
4. Approve an ordinance repealing and replacing Exhibits C, D, E, and F of Ordinance No. 20110210-003 regarding precinct judges, central counting station workers, early voting ballot board judges, and joint election agreements.
Ordinance No. 20110512-004 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
5. Authorize execution of a construction contract with SANTA CLARA CONSTRUCTION, LTD (MBE/MH-84.03%), Austin, TX for 38th Street Retaining Wall in an amount not to exceed \$162,880.
The motion authorizing the execution of a construction contract with Santa Clara Construction, Ltd. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

6. Authorize execution of a construction contract with AUSTIN BRIDGE & ROAD, L.P., Austin, TX for the ABIA Remain Over Night (RON) Apron Expansion - Phase 2, in the amount of \$5,290,384 plus a \$529,038 contingency, for a total contract amount not to exceed \$5,819,422.

The motion authorizing the execution of a construction contract with Austin Bridge & Road, L.P. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Items 7 through 13 were pulled for discussion.

14. Approve a resolution authorizing the Neighborhood Housing and Community Development Office to apply to the United States Department of Health and Human Services, Administration for Children and Families, for a National Assets for Independence demonstration grant in the amount of \$300,000 to establish a City of Austin Individual Development Accounts program to assist low-income persons achieve financial stability.

Resolution No. 20110512-014 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

15. Approve a resolution authorizing the termination and revocation of the City's License Agreement No. 73-1784, as it pertains to Lot 17, Resubdivision No. 1, Woodstone Square Subdivision, Travis County, Texas, for a portion of a wastewater line that has been re-routed and no longer affects Lot 17, Woodstone Square. The owner of the property interests is George Willeford III.

Resolution No. 20110512-015 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

16. Approve a resolution authorizing the issuance by Shady Hollow Municipal Utility District, formerly known as Southwest Travis County Municipal Utility District Number One ("District"), of Unlimited Tax Bonds, Series 2011, in an amount not to exceed \$3,500,000, and approve a substantial draft of the District's Bond Resolution and the Preliminary Official Statement.

Resolution No. 20110512-016 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

17. Authorize award and execution of a 24-month requirements service contract with ANCON SERVICE COMPANY, LaPorte, TX, for condenser tube cleaning services for Austin Energy in an estimated amount not to exceed \$162,906, with three 12-month extension options in an estimated amount not to exceed \$81,453 per extension option, for a total estimated contract amount not to exceed \$407,265.

The motion authorizing the award and execution of a requirements service contract with Ancon Service Company was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

18. Authorize award and execution of Amendment No. 1 to a contract with ALLIED ELECTRONICS, INC., Austin, TX for electrical repair parts for various systems at the Austin-Bergstrom International Airport, to extend the contract for three 12-month periods in the amount to not to exceed \$45,000 with two additional 12-month extension options in an amount not to exceed \$45,000 per extension option, for a revised total contract amount not to exceed \$270,000.

The motion authorizing the award and execution of amendment number one to a contract with Allied Electronics, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

19. Authorize award and execution of Amendment No. 2 to a contract with FIVE STAR ELECTRIC MOTORS, San Antonio, TX for maintenance and repair parts for Robicon Variable Frequency Drives (VFD) for the Austin-Bergstrom International Airport's Central Plant, to extend the contract for one 12-month period in the amount to not to exceed \$13,400 with one additional 12-month extension option in an

amount not to exceed \$13,400, for a total contract amount not to exceed \$80,400. Five Star Electric Motors is the sole source provider for after market parts of this equipment.

The motion authorizing the award and execution of amendment number two to a contract with Five Star Electric Motors was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

20. Authorize award and execution of Amendment No. 2 to increase the contract with JONES EQUIPMENT AND TURF, INC., Fort Worth, TX for Howard Price mower parts for riding mowers used at the Austin-Bergstrom International Airport in the amount to not to exceed \$47,952 for the third 12-month period of the initial 36-month contract, with two additional 12-month extension options in an amount not to exceed \$47,952 per extension option, for a revised total contract amount not to exceed \$243,596.

The motion authorizing the award and execution of amendment number two to the contract with Jones Equipment and Turf, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

21. Authorize award and execution of Amendment No. 2 to a contract with KOCH FILTER CORPORATION, Louisville, KY, for Heating, Ventilating, and Air Conditioning (HVAC) air filters for HVAC equipment at all Austin-Bergstrom International Airport campuses, to extend the contract for one 12-month period in the amount to not to exceed \$24,402 with one additional 12-month extension options in an amount not to exceed \$24,402, for a total contract amount not to exceed \$144,216.

The motion authorizing the award and execution of amendment number two to a contract with Koch Filter Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

22. Authorize award and execution of Amendment No. 1 to a contract THE LENAPE GROUP dba VIGNEAUX CORPORTATION, Jacksonville, FL for fire door barrel assemblies for the Austin-Bergstrom International Airport, to extend the contract for one 12-month period in the amount to not to exceed \$20,000 with two additional 12-month extension option in an amount not to exceed \$20,000, for a total contract amount not to exceed \$100,000.

The motion authorizing the award and execution of amendment number one to a contract with The Lenape Group doing business as Vigneaux Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

23. Authorize award and execution of Amendment No. 3 to the contract with BRUCE EVERITT MARTIN, Austin, TX, for electrical repairs services for the Austin Convention Center Department, to extend the contract for one additional 12-month period in an amount not to exceed \$50,000, for a total estimated contract amount not to exceed \$150,000.

The motion authorizing the award and execution of amendment number three to the contract with Bruce Everitt Martin was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

24. Authorize award and execution of Amendment No. 2 to the contract with PERFORMANCE FACILITY SERVICES, Austin, TX, for Heating, Ventilating, and Air Conditioning (HVAC) automation system repair and related services for the Palmer Events Center, to extend the Contract for one 12-month period in an amount not to exceed \$50,000, for a total estimated contract amount not to exceed \$150,000.

The motion authorizing the award and execution of amendment number two to the contract with Performance Facility Services was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

25. Authorize award and execution of Amendment No. 2 to the contract with SIEMENS BUILDING TECHNOLOGIES, INC., Austin, TX, for Heating, Ventilating, and Air Conditioning (HVAC) automation system repair and related services for the Austin Convention Center, to extend the Contract

for one 12-month period in an amount not to exceed \$50,000, for a total estimated contract amount not to exceed \$150,000.

The motion authorizing the award and execution of amendment number two to the contract with Siemens Building Technologies, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

26. Authorize award and execution of an 11-month requirements supply contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with ALL AMERICA SALES CORPORATION, HOUSTON, TX, for Tomar emergency light systems and accessories in an estimated amount not to exceed \$600,000, with two 12-month extension options in an estimated amount not to exceed \$600,000 per extension option, for a total estimated contract amount not exceed \$1,800,000. **The motion authorizing the award and execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative (Buyboard) with All America Sales Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
27. Authorize award, negotiation, and execution of Amendment No. 2 to a contract with CGI TECHNOLOGIES AND SOLUTIONS, INC., Fairfax, VA, for a software upgrade for the Advantage 3 financial management system in an amount not to exceed \$244,000.00 and to add five 12-month extension options for maintenance and special support services in amounts not to exceed \$1,280,749.69 for the first extension option; \$1,312,437.18 for the second extension option, \$1,353,059.04 for the third extension option, \$1,395,711.98 for the fourth extension option, and \$1,440,497.58 for the fifth extension option, for a total revised contract amount not to exceed \$12,287,855.47. **The motion authorizing the award, negotiation and execution of amendment number two to a contract with CGI Technologies and Solutions, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

Item 28 was pulled for discussion.

29. Authorize award and execution of Amendment No. 1 to a contract for a 60-month lease agreement through The Cooperative Purchasing Network (TCPN) with XEROX CORPORATION, Austin, TX, for the lease, installation and maintenance of a multi-function document imaging machine for Economic Growth and Redevelopment Services, to increase the contract in the amount not to exceed \$31,353, for a revised total contract estimated amount not to exceed \$78,939. **The motion authorizing the award and execution of amendment number one to a contract for a lease agreement through The Cooperative Purchasing Network (TCPN) with Xerox Corporation was approved on consent Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
30. Authorize award and execution of a contract with BRYAN K. WILLIAMS, dba ADVANCED RESCUE SYSTEMS, Caddo Mills, TX to provide hydraulic rescue tools for the Austin Fire Department in an amount not to exceed \$59,134.50. **The motion authorizing the award and execution of a contract with Bryan K. Williams doing business as Advanced Rescue Systems was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
31. Authorize award and execution of a 36-month requirements supply contract with LONGHORN INTERNATIONAL TRUCKS, LTD, Austin, TX or one of the other qualified bidders for IFB-BV No. SAP0117 to provide automotive after-market parts in an estimated amount not to exceed \$1,092,000, with three 12-month extension options in estimated amounts not to exceed \$518,400 for the first extension option, \$622,080 for the second extension option, and \$746,496 for the third extension option, for a total estimated contract amount not to exceed \$2,978,976.

The motion authorizing the award and execution of a requirements supply contract with Longhorn International Trucks, Ltd. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

32. Authorize award and execution of Amendment No. 1 to the contract with SUN TINT, INC., Austin, TX, for window tinting services for Fleet Services, to increase the contract in an amount not to exceed \$28,940 for the first extension option, \$30,387 for the second extension option, and \$31,903 for the third extension option, for a total estimated contract amount not to exceed \$170,042.

The motion authorizing the award and execution of amendment number one to the contract with Sun Tint, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

33. Authorize award and execution of a 48-month requirements service through The State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas Coop), with XEROX CORPORATION, Austin, TX for the lease of multi-function document imaging machines for the Austin Public Library in an estimated amount not to exceed \$261,777.60

The motion authorizing the award and execution of a requirements service through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas Coop) with Xerox Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

34. Authorize award, negotiation, and execution of a 24-month services contract with TELEWORKS, INC., Blacksburg, Virginia, to provide call messaging services for the Municipal Court in an estimated amount not to exceed, \$100,000, with three 12-month extension estimated not to exceed, \$50,000 per extension option for a total estimated contract amount not to exceed \$250,000.

The motion authorizing the award, negotiation and execution of a services contract with Teleworks, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

35. Authorize award and execution of Amendment No. 2 to a contract with FUSION SERVICES LTD, dba AUTO GATE; COMPOUND, Austin, TX, for on-site automatic access gate repair services for the Austin Police Department, to extend the contract for one 12-month period in an amount not to exceed \$32,430, with one additional 12-month extension option in an amount not to exceed \$32,430, for a revised total estimated contract amount not to exceed \$129,720.

The motion authorizing the award and execution of amendment number two to a contract with Fusion Services Ltd. doing business as Auto Gate; Compound was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

36. Authorize award and execution of Amendment No. 4 to a contract with SIEMENS INDUSTRY INC, Austin, TX, for maintenance of Apogee Insight Software and Firmware for the Austin Police Department, to extend the contract for one 12-month period in an amount not to exceed \$37,680, with one additional 12-month extension option in an amount not to exceed \$38,820, for a revised total estimated contract amount not to exceed \$183,820.

The motion authorizing the award and execution of amendment number four to a contract with Siemens Industry Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

37. Authorize award and execution of Amendment No. 3 to a contract with PRINTMAILPRO.COM, Austin, TX, for direct mail notification services for Solid Waste Services, to exercise the first 12-month extension option in an amount not to exceed \$25,340 with two additional 12-month extension options in an amount not to exceed \$25,340 per extension option, for a total contract amount not to exceed \$152,040.

The motion authorizing the award and execution of amendment number three to a contract with Printmailpro.Com was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

38. Authorize award and execution of Amendment No. 2 to exercise the first of three extension options of a requirements contract with THE STRONG GROUP, Austin, TX, to provide shirts with decals for various city departments in an estimated amount not to exceed \$30,397, with two extension option in an estimated amount not to exceed \$30,397 per extension option, for a revised total contract amount not to exceed \$189,981.25.

The motion authorizing the award and execution of amendment number two to exercise the first of three extension options of a requirements contract with The Strong Group was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

39. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members. The following appointments and waivers were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Board/Nominee

Nominated by

Electric Board

Christian Wagner

Council Member Spelman

Human Rights Commission

L. George Reynolds

Council Member Riley

Waivers

Comprehensive Plan Citizens Advisory Task Force

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Greg Esparza's service on the Comprehensive Plan Citizens Advisory Task Force. The waiver includes absences through today's date.

40. Approve a resolution initiating amendments to Title 25 and directing the City Manager to develop an ordinance relating to requirements for tours, garage sales, home occupations, and art production and sales. (Notes: SPONSOR: Council Member Randi Shade CO 1: Mayor Pro Tem Mike Martinez CO 2: Council Member Chris Riley)

Resolution No. 20110510-040 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

41. Approve a resolution commending and supporting the Navy League Council of Austin for their continuing efforts to have a U.S. Navy ship named the USS Austin. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Mike Martinez)

Resolution No. 20110510-041 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 42 was pulled for discussion.

43. Authorize the reimbursement of certain fees for a public forum to discuss federal legislation with congressional leaders which was held Saturday, April 9, 2011 at the A.B. Cantu Pan American Recreation Center. (Notes: SPONSOR: Mayor Pro Tem Mike Martinez CO 1: Council Member Randi Shade CO 2: Council Member Sheryl Cole)

The motion authorizing the reimbursement of certain fees for a public forum to discuss federal legislation with congressional leaders was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

44. Approve the waiver of the requirements that allow affected individuals and neighborhood associations to object to a street closure under City Code Chapter 14-8 for the Susan G. Komen Race for the Cure, which is to be held on Sunday, November 13, 2011. (Notes: SPONSOR: Council Member Randi Shade CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

45. Approve the waiver of certain fees for the El Sol Volleyball Tournament which is to be held Saturday, May 14, 2011 at Zilker Park. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison CO 2: Council Member Randi Shade)
The motion to approve the waiver of certain fees for the El Sol Volleyball Tournament was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

46. Approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored Greater East Austin Youth Association's 2011 Juneteenth Parade and Celebration which is to be held on June 18, 2011, at Rosewood Park. (Notes: SPONSOR: Council Member Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Randi Shade)
The motion to approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored Greater East Austin Youth Association's 2011 Juneteenth Parade and Celebration was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

47. Approve the waiver of certain fees and requirements for the 2011 Men Rally for Change event sponsored by SafePlace which is to be held Saturday, June 18, 2011 at the Emma S. Barrientos Mexican-American Cultural Center (MACC). (Notes: SPONSOR: Mayor Pro Tem Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Randi Shade)
The motion to approve the waiver of certain fees and requirements for the 2011 Men Rally for Change event sponsored by SafePlace was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

48. Set a public hearing to consider an ordinance to amend Ordinance 20080515-030 by amending the map indicating areas with additional regulations applying to Mobile Food Establishments to include the Summit Oaks Neighborhood Association, in accordance with Section 25-2-812 of the City Code. (Suggested date and time: June 9, 2011 at 4:00 p.m., Austin City Hall, 301 West Second Street, Austin, TX).
The public hearing was set on consent for June 9, 2011 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

49. Set a public hearing to consider an ordinance amending Ordinance 020829-58 to add the North Lamar Neighborhood Planning Area to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code. (Suggested date and time: June 9, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 9, 2011 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

50. Set a public hearing to consider an ordinance that continues City Code Chapter 9-3, relating to juvenile day and night time curfews. (Suggested date and time: May 26, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 26, 2011 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
51. Set a public hearing to receive citizen input regarding the proposed street name change of E. 48th HALF STREET to GENE JOHNSON STREET. (Suggested date and time: June 9, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 9, 2011 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
52. Set a public hearing regarding Texas Gas Service's proposal to increase customer gas rates. (Suggested date and time: May 26, 2011, 4:00 p.m. at 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 26, 2011 at 4:00 p.m., City Hall at 301 West Second Street, Austin, TX on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Items 53 through 55 were briefing items set for 10:30 a.m.

Items 56 through 59 were Executive Session items.

Items 60 through 73 were zoning items set for 2:00 p.m.

DISCUSSION ITEMS

Items 2 and 8 were acted on in a combined motion.

2. Approve an ordinance amending the Fiscal Year 2010-2011 Austin Energy Capital Budget of Ordinance No. 20100913-003 to increase appropriations by \$5,500,000 for the Holly Street Power Plant decommissioning costs and amending the Fiscal Year 2010-2011 Austin Energy Operating Budget of Ordinance No. 20100913-002 to increase the Non-Fuel Operations and Maintenance by \$5,500,000 for the Holly Street Power Plant decommissioning account and decrease the Austin Energy Operating Fund ending balance by \$5,500,000. Related to Item #8.
Ordinance No. 20110512-002 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
8. Authorize negotiation and execution of a contract with TRC ENVIRONMENTAL CORPORATION, Austin, Texas, or one of the other qualified offerors for RFP Solicitation No. CLMB301A, for the Reissue - Holly Street Power Plant Decommissioning Project for \$11,502,518, plus \$575,126 contingency for a total not-to-exceed amount of \$12,077,644. Related to Item #2.
The motion authorizing the negotiation and execution of a contract with TRC Environmental Corporation was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
13. Approve an ordinance amending the Fiscal Year 2010-2011 Operating Budget (Ordinance No. 20100913-002) of the Sustainability Fund to increase expenses by \$150,000 for the African American Youth Resource Center.
Ordinance No. 20110512-013 was approved with the following direction to staff on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote. Direction to staff was to provide Council with the following information prior to negotiation and execution of the contract.

Staff was directed to provide Council with:

- What the one-stop-shop is going to do
- Identify the target population
- The staffing plan
- The strategy
- What performance measures will be used to verify the one-stop-shop is accomplishing it's objectives

7. Authorize negotiation and execution of a contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX or one of the other qualified offerors to RFP Solicitation No. CLMB310, for the African American Cultural and Heritage Facility, in the amount of \$2,450,220 plus a \$245,022 contingency for a total contract amount not to exceed \$2,695,242.

The motion authorizing the negotiation and execution of a contract with Barecky Construction Company was approved on Council Member Cole's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.

Items 9, 10 and 28 were acted on in a combined motion.

9. Authorize negotiation and execution of a 12-month Interlocal Agreement with the Capital Area Council of Governments for a Sustainable Communities Regional Planning Grant to develop a Sustainable Places Analytics Software Tool in an amount not to exceed \$1,000,000 with one (1) 12-month renewal term in an amount not to exceed \$750,000 and one (1) subsequent 9-month renewal term in amount not to exceed \$151,040 for a total contract not to exceed \$1,901,040.

The motion authorizing the negotiation and execution of an interlocal agreement with the Capital Area Council of Governments was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Shade was off the dais.

10. Approve an ordinance accepting \$1,901,040 in federal pass-through grant funds from the United States Department of Housing and Urban Development through the Capital Area Council of Governments; and amending the Fiscal Year 2010-2011 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$1,901,040 to support the City of Austin's participation in the Sustainable Communities Planning Program.

Ordinance No. 20110512-010 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Shade was off the dais.

28. Authorize negotiation and execution of three 30-month contracts through the State of Texas Department of Information Resources cooperative purchasing program with INTERNATIONAL BUSINESS MACHINES CORPORATION, Armonk, NY, for the development and purchase of a Sustainable Places Analytics software tool for Economic Growth and Redevelopment Services in an amounts not to exceed \$1,450,000 for a services contract, \$350,000 for a software/hosting contract, and \$18,000 for a hardware contract.

The motion authorizing the negotiation and execution of contracts through the State of Texas Department of Information Resources cooperative purchasing program with International Business Machines Corporation was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Shade was off the dais.

CITIZEN COMMUNICATION: GENERAL

Rae Nadler-Olenick - Water Fluoridation

Pat Valls-Trelles - Animal Adoption Center

Carol Butler - Save Norwood Dog Park Coalition

Linda Greene - Fluorosilicic Acid is not the same as Fluoride. Why won't City Council stop adding hazardous waste to our water?

Katie Stark - Save the Norwood Dog Park

Claire Hirschkind - Points of law pertaining to the city and it's businesses

Nathan Chelstrom - Clarification of ruling by ZAPCO on September 7, 2010

Cynthia Valadez - Single member districts

John Bush - City issues

Emily Knight - Changes to S. Lamar Boulevard to make it safer for cyclists

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:43 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced that Council would discuss item number 42 on the regular agenda during Executive Session.

56. Evaluate the performance of and consider the compensation and benefits for the City Manager (Personnel Matters Section 551.074)
57. Discuss legal issues related to a Texas Open Meetings Act complaint, associated requests made under the Public Information Act, the retention of records, and a complaint filed under the City's ethics provisions (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
58. Discuss legal issues relating to Civil Action No. 4:11-cv-00791, Environmental Integrity Project, Texas Campaign for the Environment and Environment Texas vs. Lower Colorado River Authority, regarding the Fayette Power Project (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
59. Discuss legal issues relating to redistricting and proposed city charter amendments (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 5:35 p.m.

Mayor Leffingwell recessed the Council Meeting at 5:36 p.m.

LIVE MUSIC

David Garza

PROCLAMATIONS

Proclamation -- National Missing Children's Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Diana Franzetti

Proclamation - Exercise is Medicine Month - to be presented by Mayor Lee Leffingwell and to be accepted by Veronica Ethridge

Proclamation -- School Crossing Guard Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Daria Prendergast

Proclamation -- Asian Pacific American Heritage Month -- to be presented by Council Member Laura Morrison and to be accepted by Lei Ye and Bimal Adhikary

Proclamation -- Health Needs a Hero -- to be presented by Council Member Laura Morrison and to be accepted by Jen Ohlson

Proclamation -- Harvey Milk Day -- to be presented by Council Member Randi Shade and to be accepted by Omar Lopez

Mayor Leffingwell called the Council Meeting back to order at 6:21 p.m.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 6:22 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 6:23 p.m.

BRIEFINGS

53. Mueller redevelopment update
This item was withdrawn.

55. Overview of the Redistricting Process
The presentation was made by Sydney Falk, Bickerstaff Heath Delgado Acosta LLP.

DISCUSSION ITEMS CONTINUED

42. Approve a resolution initiating amendments to City Code Title 25 and Chapter 11-1 and directing the City Manager to develop an ordinance, make recommendations, and take other actions relating to the City's historic preservation program. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Laura Morrison)
This item was postponed to May 26, 2011 on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Shade was off the dais.
11. Authorize negotiation and execution of a 12-month professional services agreement with Community Initiatives Development Corporation for planning, implementing and financing of economic development projects for an amount not to exceed \$49,456 with one twelve month extension option for a total contract amount of \$98,912.
The motion authorizing the negotiation and execution of a professional services agreement with Community Initiatives Development Corporation was approved on Council Member Spelman's motion, Council Member Morrison's second on a 5-0 vote. Mayor Leffingwell and Council Member Shade were off the dais.

12. Approve an ordinance authorizing acceptance of \$10,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES; and amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$10,000 for the Texas Mother Friendly Worksite Policy Initiative.
Ordinance No. 20110512-012 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 5-0 vote. Mayor Leffingwell and Council Member Shade were off the dais.
54. Social Service briefing
The presentation was made by Shannon Jones, Acting Director, and Dorinda Pulliam of the Health and Human Services Department. Direction was given to staff to provide Council with a list of the nineteen agencies that submitted proposals which are not part of the recommended proposals, the amount funded in the previous year for each agency and how much is currently funded.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

60. NPA-2011-0005.01 - Riverside Gardens - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6716 East Riverside Drive (Carson Creek Watershed) from Commercial land use to Multifamily land use on Tract 1. Planning Commission Recommendation: To grant the change in FLUM to Higher Density Single Family land use on Tracts 1 and 2. Owner/Applicant: Equity Secured Capital, L.P. (Vincent M. DiMare, Jr.). Agent: Carlson, Brigrance & Doering, Inc. (Charles R. Brigrance, Jr., P.E.). Maureen Meredith, 974-2695.
This item was postponed on consent to May 26, 2011 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
61. C14-2010-0204 - Riverside Gardens - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6716 East Riverside Drive (Carson Creek Watershed) from multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Staff Recommendation: To approve single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To approve single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Owner/Applicant: Equity Secured Capital, L.P. (Vincent M. DiMare, Jr.). Agent: Carlson, Brigrance & Doering, Inc. (Charles Brigrance). City Staff: Stephen Rye, 974-7604.
This item was postponed on consent to May 26, 2011 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.
62. NPA-2010-0005.03 - McElhenney Tract - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 530 and 626 Bastrop Highway (Carson Creek Watershed) from Single Family land use to Commercial land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on May 10, 2011. Applicants/Owners: Jennifer McElhenney-Bertino; Amy Barbee (nee McElhenney); Thomas McElhenney, Jr.; John McElhenney; Ada McElhenney. Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Haussmann). City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent indefinitely on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote. (Under City Code, items postponed indefinitely are

withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)

63. C14-2010-0138 - McElhenney Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 530 and 626 Bastrop Highway (Carson Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning and single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on May 10, 2011. Owner/Applicant: Jennifer McElhenney-Bertino; Amy Barbee (nee McElhenney); Thomas McElhenney, Jr.; John McElhenney; Ada McElhenney. Agent: Drenner and Golden, Stuart, Wolff, LLP (Michele Haussmann). City Staff: Stephen Rye, 974-7604.

This item was postponed on consent indefinitely on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)

64. C14-2011-0011 - North Austin Recreation Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1000 West Rundberg Lane (Little Walnut Creek Watershed) from multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Owner/Applicant: City of Austin (Mark Schruben). Agent: Urban Design Group (Laura Touns). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110512-064 for public-neighborhood plan (P-NP) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

65. C14-2011-0005 - Four Corners Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7100 and 7202 North F.M. 620 Road (Lake Travis Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: GDF Realty Investment, Ltd (R. James George); Park Properties I, LP (Fred Purcell). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110512-065 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

66. C14-2011-0012 - Waterford House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2008 Brandt Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Shoreline Church, Inc. (Donald R. Dickey II). Agent: Brown McCarroll, LLP (Jerry Harris). City Staff: Joi Harden, 974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110512-066 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

67. C14-2011-0009 - IQRA LLC - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11331 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: IQRA L L C (M. Saleem Memon). Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to June 23, 2011 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

68. C14-2011-0007 - Hollow at Slaughter Creek Zoning, Phase A - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9900-9948 Hundred Year Oak Drive, 1300-1324 Tillerfield Trail and 9900-10048 Wading Pool Path (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning and interim-single family residence-small lot (I-SF-4A) district zoning to single family residence-small lot (SF-4A) district zoning. Staff Recommendation: To grant single family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-small lot (SF-4A) district zoning. Owner/Applicant: Pulte Homes (Brent Baker). Agent: Carlson, Brigance & Doering, Inc. (Geoff Guerrero). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110512-068 for single family residence-small lot (SF-4A) district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

69. C14-2011-0008 - Hollow at Slaughter Creek Zoning, Phase B - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9901-10001 Hundred Year Oak Drive, 10145-10161 Hundred Year Oak Drive, 1305-1325 Tillerfield Trail, 1400-1417 Middlefield Court, 1301-1425 Canopy Creek Way and 10100-10156 Wading Pool Path (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning and interim-single family residence-small lot (I-SF-4A) district zoning to single family residence-small lot (SF-4A) district zoning. Staff Recommendation: To grant single family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-small lot (SF-4A) district zoning. Owner/Applicant: Pulte Homes (Brent Baker). Agent: Carlson, Brigance & Doering, Inc. (Geoff Guerrero). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110512-069 for single family residence-small lot (SF-4A) district zoning was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

71. C14-2010-0199 - C G & S Corral - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 402 Corral Lane (South Boggy Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To deny general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Owner/Applicant: C G & S Construction, Inc. (C. Wm. "Billy" Guerrero). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to May 26, 2011 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

73. C14-91-0015(RCA) - Champion Commercial Development - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 5617 RM 2222 (West Bull Creek Watershed) to amend a portion of the Restrictive Covenant in order to allow left turn access into the site from westbound RM 2222. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant in order to allow left turn access into the site from westbound RM 2222. Zoning and Platting Commission Recommendation: To forward the case to City Council without a recommendation. Owner/Applicant: Champion Assets, Ltd. (Josie Champion). Agent: Graves, Dougherty, Hearon & Moody, P.C. (Michael Whellan). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to May 26, 2011 at the neighborhood's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

ZONING DISCUSSION ITEM

70. C14-2011-0014 - Heritage Oak Hill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8922 Manchaca Road (Slaughter Creek Watershed) from development reserve (DR) district zoning to multi-family residence-low density (MF-2) district zoning. Staff Recommendation: To grant multi-family residence-low density (MF-2) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density (MF-2) district zoning with conditions. Owner/Applicant: Cuong D. Tran. Agent: Bury & Partners, Inc. (Melissa M. Neslund). City Staff: Wendy Rhoades, 974-7719.

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to close the public hearing and adopt the ordinance for multi-family residence-low density (MF-2) district zoning with conditions. The recommendations found in the neighborhood traffic analysis would be incorporated and the additional conditional overlay to prohibit all direct access to Comburg Castle Way, Sedgemoor Trail and Sanger Dr, except for emergency access.

There was a substitute motion made by Council Member Riley and seconded by Mayor Pro Tem Martinez to close the public hearing and approve the first reading of the ordinance for multi-family residence-low density (MF-2) district zoning with conditions. Direction was given to staff to build into the restrictive covenant the requirement that allows gated access for the residents where the neighborhood roads dead end into the development. Mayor Pro Tem Martinez later withdrew his second. This motion failed due to the lack of a second.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No.20110512-070 for multi-family residence-low density (MF-2) district zoning with conditions was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-1 vote. Council Member Riley voted nay. The recommendations found in the neighborhood traffic analysis would be incorporated and the additional conditional overlay to prohibit all direct access to Comburg Castle Way, Sedgemoor Trail and Sanger Dr, except for emergency access. Direction was given to staff to change the language of the ordinance to prohibit motor vehicle access and to work with the applicant at the site plan stage to review alternatives to allow pedestrian and bike access by the residents to the adjacent neighborhood.

72. C14-2010-0154 - La Palma Plaza Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12030 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To deny community commercial (GR) district zoning. Owner/Applicant: Faris Properties (Nasib Nasar). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and deny the rezoning request was approved on Council Member Cole's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 8:58 p.m. without objection.

The minutes for the Regular Meeting of May 12, 2011 were approved on this the 26th day of May 2011 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.